

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	
	:	
BERNARD L. MADOFF INVESTMENT	:	SIPA LIQUIDATION
SECURITIES LLC,	:	
	:	No. 08-01789 (SMB)
Debtor.	:	
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	X	
IRVING H. PICARD, Trustee for the Liquidation	:	
of Bernard L. Madoff Investment Securities LLC,	:	
	:	
Plaintiff,	:	
v.	:	Adv. Proc. No. 09-01182 (SMB)
	:	
J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,	:	
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,	:	
ASCOT FUND LTD., GABRIEL CAPITAL	:	
CORPORATION,	:	
	:	
Defendants.	:	
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	X	

**[PROPOSED] ORDER GRANTING DEFENDANTS’  
MOTION *IN LIMINE* TO EXCLUDE THE TESTIMONY,  
REPORTS, AND DECLARATION OF STEVE POMERANTZ**

Upon consideration of the Notice of Motion *In Limine* By Defendants to Exclude the Testimony, Reports, and Declaration of Steve Pomerantz (“Defendants’ Motion *In Limine*”), the accompanying Memorandum of Law, and the accompanying Declaration and exhibits thereto, it is hereby:

**ORDERED**, that Defendants’ Motion *In Limine* is granted; that the reports, declaration, and proposed testimony of Steve Pomerantz are excluded; and that this Court will order such other relief as the Court deems just and proper in relation to Defendants’ Motion *In Limine*.

Dated: \_\_\_\_\_  
New York, New York

\_\_\_\_\_  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE